

G-008/GR-92-400 ORDER VARYING TIME REQUIREMENTS AND ESTABLISHING
SERVICE REQUIREMENTS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Don Storm	Chair
Tom Burton	Commissioner
Cynthia A. Kitlinski	Commissioner
Dee Knaak	Commissioner
Norma McKanna	Commissioner

In the Matter of the Application
of Minnegasco, Division of
Arkla, Inc., for Authority to
Increase its Rates for Natural
Gas Service in the State of
Minnesota

ISSUE DATE: March 3, 1993

DOCKET NO. G-008/GR-92-400

ORDER VARYING TIME REQUIREMENTS
AND ESTABLISHING SERVICE
REQUIREMENTS

PROCEDURAL HISTORY

On July 2, 1992 Minnegasco filed the above-entitled general rate case. On August 17, 1992 the Commission entered Orders accepting the filing, suspending the proposed rates, and referring the case to the Office of Administrative Hearings for contested case proceedings. In one of these Orders the Commission authorized the Executive Secretary to enter Orders on its behalf varying time requirements and determining the conduct of the proceeding:

The Commission authorizes the Executive Secretary to enter Orders on behalf of the Commission varying time requirements for the filing of pleadings and other documents and determining the conduct of this proceeding, according to the standards set forth in Minn. Rules, part 7830.4400 (1991). Any party adversely affected by such an Order shall file a motion for reconsideration, vacation, or modification, no later than ten days from the date of its entry or one day before any filing deadline or occurrence of an act directed in such Order. Such motions will be heard by the Commission.

ORDER ACCEPTING FILING AND SUSPENDING RATES (August 17, 1992) at 5.

The Administrative Law Judge (the ALJ) has advised the Commission he expects to file his report and recommendation in this case on or about March 5, 1993. Under Minnesota Rules, part 7830.3900, parties are required to file any exceptions to the ALJ's Report within 20 days of its service upon them. They must file any

replies to other parties' exceptions within ten days of service of those exceptions.

For the reasons set forth below, the Executive Secretary believes the efficient conduct of this proceeding requires shortening the time lines for filing exceptions and replies, and requires expedited service of exceptions and replies on other parties. He will enter an Order so requiring under the authorization granted in the August 17 Order.

FINDINGS AND CONCLUSIONS

Time Periods Varied

The Commission may grant a variance to any of its rules upon finding that the following conditions apply:

1. Enforcement of the rule would impose an excessive burden upon the applicant or others affected by the rule;
2. Granting the variance would not adversely affect the public interest; and
3. Granting the variance would not conflict with standards imposed by law.

Minn. Rules, part 7830.4400.

The requirements for granting a variance are met in this case.

Enforcing the rules' 20-day exception period and 10 day reply period would impose an excessive burden on the Commission and would not serve the regulatory process. The Commission is required by law to issue a final decision in this case within 10 months of its filing, by May 3, 1993. Minn. Stat. § 216B.16 (1992). The number and complexity of the issues in this case require careful analysis of the record. Allowing parties 20 days to file exceptions and 10 days to reply to exceptions would not allow adequate time to conduct that analysis and meet the 10 month statutory deadline.

Varying the time periods would not adversely affect the public interest. In fact, it would serve the public interest by ensuring that the Commission had time for careful and thorough deliberation.

Finally, varying the time periods would not conflict with standards imposed by law. Minn. Stat. § 14.61 (1992) requires

that the ALJ's Report be available to parties for at least 10 days before the final decision is made, that parties be allowed to file exceptions to the Report, and that parties be allowed to present oral argument. The accelerated filing requirements under consideration would comply with these and all other statutory requirements.

The Executive Secretary concludes the requirements of Minn. Rules, part 7830.4400, have been met and will order Minn. Rules, part 7830.3900 varied.

Expedited Service Required

Finally, given the accelerated filing deadlines in this case, it is clear that allowing service by mail would put all parties under unnecessary additional time pressure. All parties will therefore be required to serve their exceptions and replies to exceptions in person or by an overnight delivery service.

ORDER

1. Minn. Rules, part 7830.3900 is hereby varied to require that exceptions to the ALJ's Report be filed and served no later than ten days from the date it is served on the parties by the ALJ.
2. Replies to exceptions shall be filed and served no later than five days from the last day for filing exceptions.
3. All parties shall serve their exceptions to the ALJ's Report and replies to exceptions in person or by an overnight delivery service.
4. Any request for Commission review of this Order shall be filed within ten days of the date it is served on the parties.
5. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)